IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

TRACY J. CHAVEZ,	§	
	§	
Plaintiff,	§	
	§	
v.	§	**EP-09-CA-241-FM**
	§	
ERIC K. SHINSEKI, Secretary of	§	
Veterans Affairs, Department of	§	
Veterans Affairs,	§	
	§	
Defendant.	§	

ORDER TO SHOW CAUSE

On this day, the Court considered the status of the above-captioned cause. On December 23, 2009, the Court allowed *pro se* plaintiff Tracy J. Chavez's ("Chavez") attorney, Enrique Lopez ("Lopez"), to withdraw from representing Chavez because Chavez no longer wanted Lopez to represent her. On the same day, the Court received the "Mediator's Report" [Rec. No. 22], in which the mediator stated mediation was not convened. On January 8, 2010, Eric K. Shinseki ("Defendant") submitted his "Defendant's Report on Court-Ordered Mediation" [Rec. No. 23], in which he states Chavez refused to participate in Court-ordered mediation.
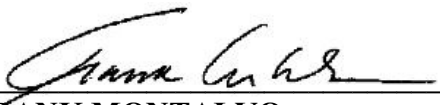
The Court's Scheduling Order [Rec. No. 15], entered October 16, 2009, expressly provides: "ADR is mandatory. ADR must be completed no later than **April 7, 2010**." ADR is a useful tool in litigation. The purpose of ADR is to bring the parties together to discuss the case and to try to resolve it. If the case is resolved, it avoids the costs and expenses of going to trial for all parties. Matters discussed during mediation cannot be used against either party, with limited exceptions that a mediator can explain to the parties participating in the mediation.

While the deadline for completing ADR has not yet passed, nonetheless, Chavez has up

to and including **February 8, 2010**, to explain to the Court why she refuses to comply with the

Court's Scheduling Order. The Court will consider her reasons and decide if she will be excused

from complying. If Chavez does not timely file a response to this Order, in which she explains

how she will comply with the ADR deadline in the Court's Scheduling Order, she may face

SANCTIONS.

SO ORDERED.

SIGNED this **8th** day of **January, 2010**.

_____

FRANK MONTALVO
UNITED STATES DISTRICT JUDGE